

Senate Bill 461

By: Senators Jones of the 10th, Seay of the 34th, Butler of the 55th, Tate of the 38th, Meyer von Bremen of the 12th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 22 of the Official Code of Georgia Annotated, relating to eminent domain,
2 so as to require that condemnors provide the owner of the property sought to be condemned
3 through the exercise of the power of eminent domain notice of the property owner's rights
4 and a description of the condemnation process to be employed; to provide for the contents
5 of such notice; to provide that the Department of Community Affairs shall promulgate such
6 notice for use by condemnors; to provide for sanctions for failure to provide such notice; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended
11 by adding a new Code Section 22-1-9 to read as follows:

12 "22-1-9.

13 (a) When an entity authorized to use the power of eminent domain determines that it
14 intends to exercise such power to take private property, it shall provide the owner of the
15 property with a copy of the written notice provided for in this Code section prior to taking
16 any action with regard to such property. Such notice shall be provided in person; by
17 mailing such notice by certified mail, return receipt requested; or statutory overnight
18 delivery.

19 (b) The Department of Community Affairs shall promulgate written notice forms that shall
20 be used by all entities having the power of eminent domain in this state to advise the owner
21 of property sought to be condemned of the entire eminent domain process and the rights
22 of the property owner with regard to such process. The Department of Community Affairs
23 shall promulgate different notice forms for each of the types of condemnation proceedings
24 authorized by law.

(c) The notices shall be written in a manner that is easily understood by the average person and shall set forth a succinct, but complete, description of the entire condemnation process including appeals and the rights of the property owner at each stage of the proceedings.

(d) Failure by the condemning entity to provide such notice to the property owner shall be grounds to dismiss or to set aside any condemnation proceeding concerning such property."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.